

REMARKS

This application has been reviewed in light of the Office Action dated November 5, 2007. Claims 1-16 are presented for examination, with Claims 1, 15, and 16 being in independent form. Claim 1-3 and 8 have been amended to define Applicants' invention more clearly. Claims 15 and 16 have been added to provide Applicants with a more complete scope of protection. Favorable reconsideration is requested.

Initially, Applicants thank the Examiner for considering the references cited in the information disclosure statement dated May 21, 2004. Applicants note that the Examiner did not indicate that the references cited in the information disclosure statements dated March 31, 2004 and May 19, 2004 were considered. Applicants respectfully request the Examiner to consider the references cited in the information disclosure statements dated March 31, 2004 and May 19, 2004 and indicate their consideration by initialing and signing the information disclosure statements as appropriate.

The Office Action rejected Claims 1-2, 4-11, and 13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2007/0118461 (*Arkes*) in view of U.S. Patent Application Publication No. 2002/0002495 (*Ullman*); Claim 3 under § 103(a) as being unpatentable over *Arkes* in view of *Ullman* and further in view of U.S. Patent Application Publication No. 2005/0197919 (*Robertson*); Claim 12 under § 103(a) as being unpatentable over *Arkes* in view of *Ullman* and further in view of U.S. Patent Application Publication No. 2004/0260645 (*Yakos*) and U.S. Patent Application Publication No. 2002/0062249 (*Iannacci*); and Claim 14 under § 103(a) as being unpatentable over *Arkes* in view of *Ullman* and further in view of U.S. Patent Application Publication No. 2004/0015394 (*Mok*). Applicants respectfully traverse the rejections and

submit that independent Claims 1, 15, and 16, together with the claims dependent therefrom, are patentably distinct from the cited art for at least the following reasons.

Applicants point to amended Claim 1 which recites, in part, “registering, by an auction middleware application, a rewards account with the auction system . . . wherein the auction middleware application is adapted to interact with a plurality of account managers offering a plurality of rewards programs, and wherein the auction middleware application acts as an interface between the plurality of account managers and the plurality of auction systems,” (emphasis added). In other words, multiple rewards programs are able to access multiple auction systems through the use of a central auction middleware application. As best understood by Applicants, *Arkes* fails to embrace the concepts of plural auction systems and plural account managers offering plural rewards programs, much less, the concept of an auction middleware application for communicating between the plural rewards programs and the plural auction systems.

Arkes discloses “an incentives points-based on-line auction method.” *See Arkes* ¶ 06. *Arkes* “designat[es] a set of auction items from [a] catalog of potential auction items” and provides participants with “on-line bid access to the set of auction items designated for the auction.” *See Arkes* ¶ 06. *Arkes* appears to allow auction sponsors to sponsor particular auctions, where each auction contains a set of auction items. *See Arkes* ¶¶ 6-7 and 22. The auction sponsors may include an employer or a credit card company and the participants may include employees or credit card holders, respectively. *See Arkes* ¶ 53. As best understood by Applicants, *Arkes* does not employ an auction middleware application for interfacing between 1) plural account managers offering plural rewards programs and 2) plural action systems.

Applicants respectfully submit that nothing has been found in *Arkes* to teach or reasonably suggest “a plurality of account managers offering a plurality of rewards programs” and “the auction middleware application acts as an interface between the plurality of account managers and the plurality of auction systems,” as recited by Claim 1.

Ullman fails to cure the deficiencies identified above with regard to *Arkes* for at least the reason that, as best understood by Applicants, *Arkes* fails to teach or reasonably suggest “a plurality of account managers offering a plurality of rewards programs” and “the auction middleware application acts as an interface between the plurality of account managers and the plurality of auction systems,” as recited by Claim 1.

Applicants submit that a combination of *Arkes* and *Ullman*, assuming such combination would even be permissible, would fail to teach or suggest “a plurality of account managers offering a plurality of rewards programs” and “the auction middleware application acts as an interface between the plurality of account managers and the plurality of auction systems,” and therefore respectfully requests withdrawal of the rejection under 35 U.S.C. § 103(a).

Yakos, *Iannacci*, and *Mok* all fail to cure the deficiencies identified above with regard to *Arkes* and *Ullman* for at least the reason that, as best understood by Applicants, they all fail to teach or reasonably suggest “a plurality of account managers offering a plurality of rewards programs” and “the auction middleware application acts as an interface between the plurality of account managers and the plurality of auction systems,” as recited by Claim 1.

Independent Claims 15 and 16 include features similar to those discussed above with respect to Claim 1 and are believed to be patentable for at least the same reasons as discussed above with respect to Claim 1.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Jonathan Berschadsky/
Jonathan Berschadsky
Attorney for Applicant
Registration No. 46,551

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200